

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA
Plaintiff

V.

CRIMINAL NO. 05-82(JAG)

RAYMOND R. ROSSINI
Defendant

REPORT AND RECOMMENDATION

On this date defendant appeared before the undersigned to plea guilty to Counts I and of the indictment charging him with violating 18 U.S.C. §§ 1709 and 922(j). Defendant was represented by AFPD Juan F. Matos De Juan. The government was represented by AUSA Edwin O Vázquez Berrios. The parties duly executed a consent form permitting the undersigned to take defendant's plea, which has been filed in Court. Defendant entered a straight plea as to both counts.

Upon observing defendant throughout the proceeding, as well as listening to his answers to the multiple questions posed by the Court, the undersigned finds him competent to enter a knowing and voluntary plea.¹ More so, defendant acknowledged he was not coerced nor intimidated into entering the plea. Defendant was advised at the hearing of the minimum and maximum statutory penalties and fines he faces. Defendant was also advised that the sentencing Judge is not bound by the Sentencing Guidelines, which are advisory in nature. The undersigned also advised defendant of the constitutional rights he waives by entering a guilty plea.

Upon inquiry by the Court, defendant accepted all the elements of the offense outlined in Counts I and II of the indictment and that he acted knowingly and intentionally during the commission of the offenses.

It is thus recommended by the undersigned that defendant's guilty plea be accepted, and

¹The defendant advised the Court that he is currently taking medication due to a motorcycle accident which has left his leg severely damaged. Also defendant informed he has been treated as an in-patient, and presently is treated as an out-patient for substance abuse. At the time of the change of plea, however, he was not under the effects of any drug.

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sentence be imposed upon him accordingly.

3 This report and recommendation is issued pursuant to 28 U.S.C. § 636 and Local Rule 72(d).

SO RECOMMENDED.

In San Juan, Puerto Rico, this 6th of June, 2005

St Gustavo A. Gelpi

GUSTAVO A. GELPI
United States Magistrate-Judge